

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

ALISON K. COOPER, M.D.

Holder of License No. 24314
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-08-0927A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Alison K. Cooper, M.D. ("Respondent"), the parties agree to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that she has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other
2 pending or future investigation, action or proceeding. The acceptance of this Consent
3 Agreement does not preclude any other agency, subdivision or officer of this State from
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof) to
13 the Board's Executive Director, Respondent may not revoke the acceptance of the
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will
21 be publicly disseminated as a formal action of the Board and will be reported to the
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
25 and effect.

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter") and 32-1451.

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6
7 
8 ALISON K. COOPER, M.D.

DATED: 4/28/09

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 24314 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-08-0927A after receiving notification of
7 a malpractice settlement involving Respondent's care and treatment of a thirty-nine year-
8 old female patient ("KG").

9 4. On July 24, 2006, Respondent was seen by Respondent's nurse practitioner
10 for menorrhagia and dysmenorrhea. The nurse practitioner performed an endometrial
11 biopsy. On September 1, 2006, KG met with Respondent, and KG authorized Respondent
12 to perform an endometrial ablation. On October 13, 2006, KG returned to the office for the
13 endometrial ablation. In preparation for the procedure, a paracervical block was performed
14 using 25 cc of 0.5% Marcaine over four minutes. Respondent carried out a pelvic
15 examination, and upon completion, KG began having seizures described as occurring
16 every minute and lasting approximately thirty seconds.

17 5. There was no indication that Respondent had resuscitative capabilities and
18 equipment available in her office. Respondent's staff contacted 911 and a tongue blade
19 was placed to maintain an airway. Respondent administered Alprazolam sublingually
20 without noted success. A second call was placed to 911 and Respondent carried out
21 three rescue breaths when KG stopped breathing. The paramedics arrived and noted KG
22 to be pulseless and apneic. The paramedics carried out resuscitative measures and
23 transported KG to the hospital. KG arrived at the hospital and was diagnosed with grand
24 mal seizures, cardiac arrest, respiratory failure and anoxic encephalopathy. KG was
25

1 transferred to another hospital where she was noted to be brain dead and subsequently
2 died with a diagnosis of anoxic encephalopathy.

3 6. In response to the Board's investigation, Respondent stated that she has
4 now established protocol and maintains proper resuscitative equipment in her office.

5 7. The standard of care for a physician performing in-office procedures requires
6 a protocol and the proper equipment necessary for resuscitation based on the level of
7 complexity of the procedure and medications used and to have familiarity with techniques
8 and medications used and their potential complications.

9 8. Respondent deviated from the standard of care because she did not have a
10 resuscitative capabilities and equipment available for KG's in-office surgery and she did
11 not have familiarity with the technique and the risks involved in local anesthetic
12 administration.

13 9. KG suffered seizures followed by death.

14 **CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter hereof and over
16 Respondent.

17 2. The conduct and circumstances described above constitute unprofessional
18 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be
19 harmful or dangerous to the health of the patient or the public.").

20 **ORDER**

21 IT IS HEREBY ORDERED THAT:

22 1. Respondent is issued a Letter of Reprimand.

23 2. This Order is the final disposition of case number MD-08-0927A.

24 DATED AND EFFECTIVE this 4th day of June, 2009.



ARIZONA MEDICAL BOARD

By *Linda Rich*
Lisa S. Wynn
Executive Director

ORIGINAL of the foregoing filed
this 4th day of June, 2009 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed
this 4th day of June, 2009 to:

Gordon Lewis
Jones Skelton & Hochuli PLC
2901 N. Central Avenue, Suite 800
Phoenix, Arizona 85012-2728

EXECUTED COPY of the foregoing mailed
this 4th day of June, 2009 to:

Alison K. Cooper, M.D.
Address of Record

Krista Corley
Investigational Review